

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17925 of 2004

Between:

Annem Edukondalu @ A.Kondal Reddy, S/o Late Venkat Reddy,
R/o 1-103/2, Purushothamapatnam Village, Bhadrachalam Mandal, Khammam
District

..... PETITIONER

AND

The Mandal Revenue Officer, Bhadrachalam Mandal, Khammam District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in seeking to dispossess the petitioner by issuing the impugned notice Rc.No.B/2262/2004, dated 07-09-2004 from his residential house in Sy.No.32 vide Grampanchayat No.1-103/2 of Purushothampatnam, Bhadrachalam Mandal, Khammam District as illegal, arbitrary and violative of Articles 14,16, 19(g) and 21 of Constitution of India and consequently direct the respondent to regularise the possession of the petitioner house and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.G.V.SRIRAMA MURTY

Counsel for the Respondent : GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner's father was in possession of the land, ad-measuring Ac.0.04 guntas, in Sy.No.32, situated at Purushothamapatnam village, and that after his death, the petitioner succeeded and enjoying the same. It is stated that the petitioner obtained permission from Grampanchayat, to shift the existing house to cattle shed, and was allotted house No.1-103/2, and since then he is residing therein. While so, the respondent-Mandal Revenue Officer, issued a show cause notice, dated 07-09-2004, under Section 7 of the Land Encroachment Act (for short "the Act"), to show cause, as to why he should not be evicted from the land in question, for which the petitioner submitted his explanation, dated 13-09-2004. The gravman of the complaint in the present writ petition is that the respondent, without passing any orders on the explanation submitted by the petitioner, under Section 6 of the Act, is trying to dispossess him from the land in question.

Having regard to the fact that the proceedings under Section 7 of the Act were already initiated and the respondent has to pass final orders under Section 6 of the Act, I deem it appropriate to dispose of the writ petition, directing the respondent to consider the explanation submitted by the petitioner and pass appropriate orders in accordance with law, if not already passed. If for any reason, any adverse order is passed, communicate the same to the petitioner. However, till the expiry of the statutory period of appeal from the date of communication, the petitioner shall not be evicted.

The writ petition is accordingly disposed of. No order as to costs.

A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1. The Mandal Revenue Officer, Bhadrachalam Mandal, Khammam District
2. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P.,
Hyderabad, (OUT)
3. Two C.D. copies.